

Roberts, Mlotkowski & Hobbes
A PROFESSIONAL CORPORATION

8270 Greensboro Drive
Suite 850
McLean, VA, 22102
Telephone: (703) 584-3270
Facsimile: (703) 848-2981
E-Mail: INFO@RMHLAW.COM
WEB: www.rmhlaw.com

FACSIMILE

TO: EXAMINER Q. VAN

FROM: Lori F. Cuomo

FAX NO.: (571) 273-4789

RE: New Declaration
Application Serial No. 10/801,458
KINZ-005 [RMH 12775]

of PAGES: 3 including cover page

DATE: June 1, 2006

MESSAGE: Attached is the DECLARATION per
Examiner Van's phone call of
May 31, 2006

CONFIDENTIALITY NOTICE:

This facsimile message and accompanying documents are intended only for use of the addressee indicated above, and may contain information that is privileged or otherwise confidential under applicable laws. If this transmission has reached you in error, please immediately contact the sender by telephone or facsimile at the numbers listed above and return the original to us by mail. Any copying, distributing, or other use or disclosure of this information by anyone other than the above-named recipient is strictly prohibited. Thank You.

06/01/2006 14:43 FAX 703 848 2981

RMH Law

002/003

06/01/2006 12:10 7634775174

MCC INC

PAGE 02/03

06/01/2006 12:53 FAX 703 848 2981

RMH Law

002/003

PTO/SB/01 (10-05)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration
Submitted
With Initial
Filing

OR

Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.18 (e))
required)

| | |
|---------------------------|--------------------|
| Attorney Docket Number | KINZ-008 (12776) |
| First Named Inventor | Dwight Eric Kinzer |
| COMPLETE IF KNOWN | |
| Application Number | 10/801,458 |
| Filing Date | March 15, 2004 |
| Art Unit | 3742 |
| Examiner Name | Q. Yan |

I hereby declare that:

Each Inventor's residence, mailing address, and citizenship are as stated below next to their name:

I believe the inventor(s) named below to be the original and first Inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**IN SITU PROCESSING OF HYDROCARBON-BEARING FORMATIONS WITH VARIABLE
FREQUENCY AUTOMATED CAPACITIVE RADIO FREQUENCY DIELECTRIC HEATING**

(Title of the Invention)

the specification of which

is attached hereto

OR

was filed on (MM/DD/YYYY)

03/15/2004

as United States Application Number or PCT International

Application Number

10/801,458

and was amended on (MM/DD/YYYY)

12/01/2006

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.63, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, Inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, Inventor's or plant breeder's rights certificate(s), or any PCT International application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? YES | NO |
|--|---------|-------------------------------------|--------------------------|---------------------------------|--------------------------|
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

06/01/2006 14:44 FAX 703 848 2981

RMH Law

003/003

06/01/2006 12:10 7634775174

MCC INC

PAGE 03/03

06/01/2006 12:53 FAX 703 848 2981

RMH Law

003/003

PTO/SB/01 (10-05)

Approved for use through 07/31/2008, OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:

The address associated with
Customer Number: _____

OR

Correspondence address below

Name

Dwight Eric Kinzer

Address

413 28th Avenue

City

Fargo

State

North Dakota

ZIP

58102-1508

Country

United States of America

Telephone

701-356-0754

Email

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(e) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herethrough of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

 A petition has been filed for this unsigned inventor

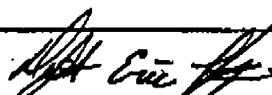
Given Name (first and middle [if any])

Dwight Eric

Family Name or Surname

KINZER

Inventor's Signature



Date

1 June 2006

Residence: City

Fargo

State

North Dakota

Country

USA

Citizenship

US

Mailing Address

413 28th Avenue

City

Fargo

State

North Dakota

Zip

58102-1508

Country

US

 Additional inventors or a legal representative are being named on the _____

supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

[Page 2 of 2]